



Douglas J. MacGinnitie
Commissioner

State of Georgia
Department of Revenue

Frank D'Connell
Director

Suite 15300
1800 Century Boulevard
Atlanta, Georgia 30345
(404) 417-2100

NOTICE

(Notice LGSD 2011-4)

RE: Amendment and Adoption of Rules of the Department of Revenue, Local Government Services Division:

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it is amending Chapter 560-11-2 of the Rules and Regulations of the State of Georgia by proposing to:

I. Amend the following:

- 560-11-2-.20, entitled "Classification of Real and Personal Property on Individual Ad Valorem Tax Returns"
- 560-11-2-.21, entitled "Classification of Tangible Property on County Tax Digests"

Attached with this notice are exact copies and synopses of the proposed amendments of the Rules. The Rules are being amended under the authority of O.C.G.A. § 48-2-12.

The Department of Revenue shall consider the proposed amendments of the above-referenced Rules at 10:00 a.m., on Tuesday May 31st, 2011 in Suite 15200 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

The Department must receive all comments regarding the proposed amendments of the above-referenced Rules from interested persons no later than 10:00 a.m. on Tuesday May 31st, 2011. Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. NE, Suite 15300,

Atlanta, GA 30345-3205. Electronic comments must be sent to regcomments@dor.ga.gov. Facsimile comments must be sent to (404) 417-6651. **Please reference "Notice Number LGSD 2011-4" on all comments.**

Dated: March 30, 2011




Douglas J. MacGinnitie
Commissioner, Department of Revenue



State of Georgia
Department of Revenue
Administrative Division – Tax Law & Policy Section

Memorandum

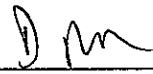
To: Commissioner Douglas J. MacGinnitie
From: Tim Mitchell 
CC: Mack Chandler, Frank O'Connell, Vicki Lambert
Date: March 28, 2011

Amend:

- 560-11-2-.20, entitled "Classification of Real and Personal Property on Individual Ad Valorem Tax Returns"
- 560-11-2-.21, entitled "Classification of Tangible Property on County Tax Digests"

Reason for Proposed Rules: These amendments are needed in order to update the classifications of real and personal property on individual ad valorem tax returns and county tax digests.

Promulgation deadlines, if applicable: It is requested that the Notice Page be signed no later than March 28, 2011.

Approved: 

Disapproved: _____

Approved with Comment: _____

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE LOCAL GOVERNMENT SERVICES DIVISION

CHAPTER 560-11-2 SUBSTANTIVE REGULATIONS

560-11-2-.20 – Classification of Real and Personal Property on Individual Ad Valorem Tax Returns

- This Rule is being amended.
- This amendment is in order to update the classifications of real and personal property on individual ad valorem tax returns.

RULES
OF
DEPARTMENT OF REVENUE
LOCAL GOVERNMENT SERVICES DIVISION

CHAPTER 560-11-2
SUBSTANTIVE REGULATIONS

560-11-2.20 Classification of Real and Personal Property on Individual Ad Valorem Tax Returns Amended.

(1) Beginning with all ad valorem tax returns received after January 1, 1993, all taxable real and personal property returned or assessed for county taxation shall be identified according to the following classifications. Real Property receiving preferential assessment under O.C.G.A. § 48-5-7.1, 48-5-7.2, 48-5-7.3 or 48-5-7.6 or current use assessment under O.C.G.A. § 48-5-7.4 or 48-5-7.7 shall be included in the classification specifically designated for those properties and not included in the general use classification that might otherwise be appropriate.

(a) Residential - This classification shall apply to all land utilized, or best suited to be utilized as a single family homesite, the residential improvements and other nonresidential homesite improvements thereon. For the purposes of this subparagraph, duplexes and triplexes shall also be considered single-family residential improvements.

1. This classification shall also apply to all personal property owned by individuals that has not acquired a business situs elsewhere and is not otherwise utilized for agricultural, commercial or industrial purposes.

(b) Residential Transitional - This classification shall apply to the residential improvement and up to no more than five acres of land underneath the improvement and comprising

the homesite the value of which is influenced by its proximity to or location in a transitional area and which is receiving a current use assessment under O.C.G.A. § 48-5-7.4.

(c) Agricultural - This classification shall apply to all real and personal property currently utilized or best suited to be utilized as an agricultural unit. It shall include the single family homesite that is an integral part of the agricultural unit, the residential improvement, the non-residential homesite improvements, the non-homesite agricultural land, and the production and storage improvements.

1. This classification shall also apply to all personal property owned by individuals that is not connected with the agricultural unit but has not acquired a business situs elsewhere and the personal property connected with the agricultural unit which shall include the machinery, equipment, furniture, fixtures, livestock, products of the soil, supplies, minerals and off-road vehicles.

(d) Preferential - This classification shall apply to land and improvements primarily used for bona fide agricultural purposes and receiving preferential assessment under O.C.G.A. § 48-5-7.1.

(e) Conservation Use - This classification shall apply to all land and improvements primarily used in the good faith production of agriculture products or timber and receiving current use assessment under O.C.G.A. § 48-5-7.4.

(f) Environmentally Sensitive - This classification shall apply to all land certified as environmentally sensitive property by the Georgia Department of Natural Resources and receiving current use assessment under O.C.G.A. § 48-5-7.4.

(g) Brownfield Property - This classification shall apply to all land certified "Brownfield Property" by the Environmental Protections Division of the Department of Natural Resources and receiving preferential assessment under O.C.G.A. § 48-5-7.6.

(h) Forest Land Conservation Use Property - This classification shall apply to all land and improvements

primarily used in the good faith production of timber receiving current use assessment under O.C.G.A. § 48-5-7.7.

(i) Commercial - This classification shall apply to all real and personal property utilized or best suited to be utilized as a business unit the primary nature of which is the exchange of goods and services at either the wholesale or retail level. This classification shall include multi-family dwelling units having four or more units.

(j) Historic - This classification shall apply to up to two acres of land and improvements thereon designated as rehabilitated historic property or landmark historic property and receiving preferential assessment under O.C.G.A. § 48-5-7.2 or O.C.G.A. § 48-5-7.3.

(k) Industrial - This classification shall apply to all real and personal property utilized or best suited to be utilized as a business unit, the primary nature of which is the manufacture or processing of goods destined for wholesale or retail sale.

(l) Utility - This classification shall apply to the property of companies that are required to file an ad valorem tax return with the State Revenue Commissioner, and shall include all the real and personal property of railroad companies and public utility companies and the flight equipment of airline companies.

(2) Beginning with all ad valorem tax returns received after January 1, 1993, all taxable real property returned or assessed for county taxation shall be further stratified into the following strata:

(a) Improvements - This stratum shall include all in-ground and above ground improvements that have been made to the land including lease hold improvements. This stratum excludes all production and storage improvements utilized in the operation of a farm unit and those improvements auxiliary to residential or agricultural dwellings included in the Production/Storage/Auxiliary stratum.

1. The Board of Tax Assessors are given the option under this regulation to place the value of residential auxiliary buildings in this stratum or in the Production/Storage/Auxiliary stratum described in subparagraph (2)(f) of this Regulation.

2. This stratum does not include the land.

(b) Operating Utility - This stratum shall include all real and personal property of a public utility, tangible and intangible, utilized in the conduct of usual and ordinary business.

1. Real and personal property of a public utility not utilized in the conduct of usual and ordinary business shall be designated non-operating property and shall be included in the appropriate alternative strata.

(c) Lots - This stratum shall include all land where the market indicates the site is sold on a front footage or buildable unit basis rather than by acreage.

(d) Small Tracts - This stratum shall include all land that is normally described and appraised in terms of small acreage, which is of such size as to favor multiple uses.

~~(3)~~ (e) Large Tracts - This stratum shall include all land that is normally described and appraised in terms of large acreage, which is of such size as to limit multiple uses, e.g., cultivatable lands, pasture lands, timber lands, open lands, wastelands and wild lands.

1. The acreage breakpoint between small tracts and large tracts shall be designated by the Board of Tax Assessors as being that point where the market price per acre reflects distinct and pronounced change as the size of the tract changes. In the event this break point cannot easily be determined, the Board of Tax Assessors shall designate a reasonable break point not less than five (5) acres ~~nor~~ but not greater more than twenty-five (25) acres.

(f) Production/Storage/Auxiliary - This stratum shall include those improvements auxiliary to residential or agricultural dwellings not included in the Improvements stratum described in subparagraph (2)(a) of this regulation and all

improvements to land that are utilized by an agricultural unit for the storage or processing of agricultural products.

(g) Other Real - This stratum shall include leasehold interests, mineral rights, and all real property not otherwise defined in this paragraph.

(3) Beginning with all ad valorem tax returns received after January 1, 1993, all taxable personal property returned or assessed for county taxation shall be further stratified into the following strata:

(a) Aircraft - This stratum shall include all airplanes, rotorcraft and lighter-than-air vehicles, including airline flight equipment required to be returned to the State Revenue Commissioner.

(b) Boats - This stratum shall include all craft that are operated in and upon water. This stratum shall include the motors, but not the land transport vehicles.

(c) Inventory - This stratum shall include all raw materials, goods in process and finished goods. This stratum shall include all consumable supplies used in the process of manufacturing, distributing, storing or merchandising of goods and services. This stratum shall not include inventory receiving freeport exemption under O.C.G.A. § 48-5-48-2. This stratum shall also include livestock and other agricultural products.

(d) Freeport Inventory - This stratum shall include all inventory receiving the Freeport exemption under O.C.G.A. Sec. 48-5-48-2.

(e) Furniture/Fixtures/Machinery/Equipment - This stratum shall include all fixtures, furniture, office equipment, computer software and hardware, production machinery, offroad vehicles, equipment, farm tools and implements, and tools and implements of trade of manual laborers.

(f) Other Personal - This stratum shall include all personal property not otherwise defined in this paragraph.

Authority O.C.G.A. §§ 48-2-1, 48-2-7, 48-2-12, 48-5-16, 48-5-105, and 48-5-269.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE LOCAL GOVERNMENT SERVICES DIVISION

CHAPTER 560-11-2 SUBSTANTIVE REGULATIONS

560-11-2-.21 – Classification of Tangible Property on County Tax Digests

- This Rule is being amended.
- This amendment is in order to update the classifications of tangible property on county tax digests.

RULES
OF
DEPARTMENT OF REVENUE
LOCAL GOVERNMENT SERVICES DIVISION

CHAPTER 560-11-2
SUBSTANTIVE REGULATIONS

**560-11-2-.21 Classification of Tangible Property on
County Tax Digests**

(1) The tax receiver or tax commissioner of each county shall list all taxable real and personal property on the digest using the classifications and strata specified in Rule Regulation 560-11-2-.20.

(a) The tax receiver or tax commissioner shall further identify the properties listed on the digest by use of a two-digit code, the first character of which shall designate the property classification and the second character of which shall designate the stratum. The code is more particularly described as follows:

1st Digit – CLASSIFICATION

A – Agricultural

B - Brownfield Property

C – Commercial

F – FLPA Fair Market Value (for reimbursement purposes)

H – Historic

I – Industrial

J – FLPA Conservation Use

P – Preferential

R – Residential

T - Residential Transitional

U – Utility

V - Conservation Use

W - Environmentally Sensitive

2nd Digit - REAL PROPERTY STRATA

1 – Improvements

2 - Operating Utility

3 – Lots

4 - Small Tracts

5 - Large Tracts

6 - Production/Storage/Auxiliary

9 - Other Real

2nd Digit - PERSONAL PROPERTY STRATA

A – Aircraft

B – Boats

F - Furniture/Fixtures/Machinery/Equipment

I – Inventory

P - Freeport Inventory

Z - Other Personal

(2) The chairman of the board of assessors shall certify to the tax receiver or tax commissioner a list of all properties, the assessed value of which were changed by the board from the values appearing on the previous year's digest. This list shall not include previously unreturned real and personal property. It shall also exclude divisions and consolidations of property and those changes that are mere transfers of ownership.

(a) The list shall show the final assessed values on the previous year's digest and the assessed values placed on the current year's digest and shall be consolidated by the tax receiver or tax commissioner using the same classifications as are used to classify property appearing on the digest. This list shall be submitted by the tax receiver or tax commissioner to the State Revenue Commissioner at the time and in the manner the tax digest is submitted.

(3) The tax receiver or tax commissioner of each county shall also enter the total assessed value of motor vehicle property with the consolidation of all assessed values of taxable property on the digest.

(4) The tax receiver or tax commissioner of each county shall also enter the total assessed value of mobile home

property with the consolidation of all assessed values of taxable property on the digest.

(5) The tax receiver or tax commissioner of each county shall also enter the total assessed value of timber harvested or sold during the calendar year immediately preceding the year of the digest, with the consolidation of all assessed values of taxable property on the digest.

(6) The tax receiver or tax commissioner of each county shall also enter the total assessed value of heavy duty equipment property with the consolidation of all assessed values of taxable property on the digest.

Authority O.C.G.A. §§ 48-2-7, 48-2-12, 48-5-103, 48-5-108, and 48-5-269.